

## Freedom of the Press

**Status change explanation:** Israel improved from Partly Free to Free because there were no serious legal charges and fewer reported cases of physical attacks or harassment against journalists during 2013, marking the lowest rate of violence since 2010.

Israel enjoys a lively, pluralistic media environment in which press freedom is generally respected. However, due to ongoing conflicts with Palestinian groups and neighboring countries, media outlets are subject to military censorship and gag orders, and journalists often face travel restrictions. The financial viability of private print and broadcast outlets also remain a concern.

Legal protections for freedom of the press are robust. While the country's Basic Law does not specifically address the issue, the Supreme Court has affirmed that freedom of expression is an essential component of human dignity. The legal standing of press freedom has also been reinforced by court rulings citing principles laid out in Israel's Declaration of Independence.

The country's legal framework is predominantly protective of media freedom, but it does include a number of restrictive elements that are sometimes used against journalists. Hate speech and publishing praise of violence are prohibited, and the 1948 Prevention of Terrorism Ordinance bans expressions of support for terrorist organizations or groups that call for the destruction of Israel. While the media continue to face the threat of possible legal action, particularly on charges of libel, no high-profile cases were reported during the year. The use of an espionage law to charge *Haaretz* reporter Uri Blau for possession of classified information in 2012 proved to be an isolated case, with no similar charges emerging in 2013.

The confidentiality of journalistic sources is not explicitly protected under Israeli law, although it is recognized by the courts. In November 2012, the Supreme Court ruled that journalistic privilege extends not only to the confidential source itself but also to information that may reveal the identity of the source, and directed the Knesset to codify the journalist-source relationship by means of legislation. Nevertheless, authorities continued to conduct investigations and surveillance with the aim of uncovering journalists' sources. In February 2013, three businessmen were indicted for stock manipulation and fraud, with prosecutors citing a telephone call between the accused and a reporter at the financial newspaper *Calcalist*.

Knesset members debated a series of legislative proposals in 2013 that would strengthen Israeli press freedom. These included measures to provide greater protection for journalists who obtain national security leaks from confidential sources; prohibit lawsuits designed to silence free expression regarding issues of public interest; and relax certain defamation laws. However, the Knesset has also debated proposals in recent years that threatened to restrict press freedom, including measures to forbid the use of Nazi references and symbols and to criminalize libel against the Israeli Defense Forces (IDF). However, none of these initiatives developed into actual law in 2013.

Freedom of information has been protected by law since 1998, and the courts have gradually widened their interpretation of the public's right to know. The legal tools provided by the law are used by journalists and activist groups. A number of bills aimed at expanding the application of the law are presently under

consideration, and the Knesset has also decided to significantly decrease the fee required when submitting a request for information.

According to the Press Ordinance of 1933, publishers are required to obtain a license from the Interior Ministry to operate a newspaper; broadcasters are covered by separate regulatory authorities, with some inherent inconsistencies. The Government Press Office (GPO) requires journalists operating in Israel to have proper accreditation in order to attend official press conferences, gain permission to access government buildings, and pass through Israeli military checkpoints. Hundreds of foreign journalists are generally accredited. However, the GPO has occasionally refused to provide press cards—especially to Palestinians—on national security grounds, thus preventing the affected reporters from entering Israel.

During the last several years, journalists have been drawn into a series of legal battles to protect their labor rights, supported by a new union founded in 2012 to defend journalists' interests. During 2013, the courts were adjudicating a case involving journalist Haggai Matar, who had been fired by the new owners of the newspaper *Maariv* after it changed hands in 2012. Matar had served as chairman of the union committee at the paper, and the union filed a petition on his behalf, asserting that he had been fired illegally. Management then claimed that he had been dismissed because his political views diverged from the paper's editorial line, prompting further legal arguments. A final ruling in the case was still pending at year's end.

The parliamentary elections on January 22, 2013, which propelled Benjamin Netanyahu to his third term as prime minister, received vigorous press coverage. However, Netanyahu was criticized for failing to engage with Israel's Hebrew news media in the months following his victory. According to the *Washington Post*, Netanyahu did not participate in any interview or news conference with domestic media in 2013 after January 19, raising concerns about accountability and transparency.

Under the 1948 Defense Act, softened by the 1996 Censorship Agreement between the media and the IDF, the military censor has the power to penalize, shut down, or halt the printing of a newspaper for national security reasons. In practice, however, the censor's role is quite limited and under strict judicial oversight. Journalists often evade restrictions by leaking a story to a foreign outlet and then republishing it. Digital media have added to the challenge of enforcing the 1996 agreement, but in May 2012 the military censor announced a new surveillance tool aimed at tracking textual and visual information online, especially on social networks.

The judiciary has also imposed bans on coverage of sensitive topics—including quotation of foreign sources—as an alternative to military censorship. The increasing use of such gag orders became a matter of public debate in 2013 following revelations that a District Court had issued an indefinite order forbidding coverage of Ben Zygier, or "Prisoner X," a former Mossad agent and dual citizen of Australia who had been arrested in 2010 on suspicion of endangering national security. Zygier committed suicide while in custody, several months after his arrest and detention in a maximum security prison. The court order, which was imposed as early as 2010, included an injunction against quoting foreign sources pertaining to the incident, as well as a "superinjunction," which forbids even mentioning that there is a gag order in place. Details of the incident came to light on February 12, 2013, when the Australian Broadcasting Corporation aired an investigative report on Zygier's death. Immediately after the report aired, it was picked up by several Israeli news sites, including those of *Globes*, *Haaretz*, and *Walla*. A court ordered the sites to remove the content. Nevertheless, news of the Zygier affair quickly spread across the internet and social media, and on February 13, the gag order was formally eased. According to free press advocates, the fact that the case was kept secret for three years despite the availability of online media demonstrates that gag orders remain an effective tool for silencing the press. Gag orders were involved in at least two other cases that arose during the year. In July, it was revealed that a second former security agent, known simply as "Prisoner X2," was being detained in the same prison as Zygier, though the basic details of the case

remained secret. Also that month, a court partially lifted a gag order on the detention of Wael Abu Rida, a Palestinian from Gaza, but continued to bar the media from reporting on the circumstances of his June arrest, which may have occurred in Egypt.

In December, the police ordered Israeli media to turn over all photographs and videos taken of demonstrations by Israeli Bedouins. The demonstrators were protesting against a proposal to evict a large portion of the Bedouin population from the Negev desert in southern Israel. Several major news outlets and journalist associations challenged the order in court, calling it an “ethical violation.” Soon after the appeal was made, the police decided to rescind the order. However, a local watchdog organization criticized the lack of coverage of the incident in the mainstream Israeli press.

A long-standing law forbidding Israeli citizens from traveling to “enemy states” such as Lebanon and Syria without permission from the Interior Ministry has, on occasion, been applied to journalists. Press freedom organizations have condemned the selective application of the law, as well as the potential effects of such travel restrictions on the diversity of news available to the Israeli public. Although Israeli journalists are generally barred from entering the Palestinian territories without explicit military approval, in practice the military frequently ignores the presence of Israeli journalists in the territories.

Deliberate violence against or harassment of journalists is relatively rare in Israel, and few incidents were reported in 2013, in contrast to recent years. The principal targets have traditionally been Arab journalists—both foreign and local, often in and around Jerusalem—though many incidents have also stemmed from private or commercial conflicts (such as within the ultra-Orthodox and Israeli-Arab media sectors) and police harassment of journalists who are reporting from demonstrations on social and economic matters.

Israelis are active news consumers. Mainstream Hebrew newspapers garner an estimated one million daily readers out of a population of less than eight million. The pluralistic makeup of Israeli society is reflected in the press landscape, which includes 12 daily newspapers and a wide range of weeklies and news websites, most of which are divided along religious, ethnic, and language lines. The major newspapers are privately owned, and some freely criticize government policies and aggressively pursue cases of official corruption. However, the popularity of the free daily newspaper *Israel Hayom*, which has captured about 40 percent of the market, has placed financial pressure on other mainstream papers, as its business model has forced them to slash advertising rates, thus threatening their sustainability. *Israel Hayom* is owned and subsidized by Sheldon Adelson, a prominent American businessman who is openly aligned with Netanyahu and his conservative Likud Party. As a result of financial difficulties, the daily newspaper *Maariv* faced the threat of closure and was eventually sold in October 2012 to Shlomo Ben-Zvi, the owner of a smaller daily, *Makor Rishon*. The anticipated merger of the two outlets would increase ownership concentration and leave the market more politically polarized, with two left-wing and two right-wing daily newspapers representing the major print media.

A diverse selection of broadcast media is available, although ownership concentration among private stations is a growing concern. The dominance of the state-run Israel Broadcasting Authority (IBA) in the television market has declined significantly in recent years due to more competition from private television and radio outlets, continuing political interference in the content of IBA programming, and poor management. In July 2013, the new minister of communications and minister of finance declared that they did not have confidence in a plan approved by the previous government to make the IBA economically viable. They appointed a committee to further review the situation, and the panel was expected to consider more drastic reform options, such as dismantling the IBA and establishing a new public broadcasting authority in its place. The IBA's radio station, Kol Israel, and the military-operated Galei Tzahal remain popular throughout the country, and a broad range of local radio stations also operate, serving the country's regional communities as well as ultra-Orthodox, Russian-speaking, and Arabic-speaking populations. Most Israelis subscribe to cable, satellite, or digital terrestrial television services that provide

access to international stations. In 2012, the inability of the private television station Channel 10—whose coverage is often critical of the government—to pay its debts led regulators to refuse to reissue its broadcasting license. The license was ultimately renewed that year following protracted negotiations with the government and the creation of a debt-repayment scheme. In December 2013, it was announced that Ronald Lauder, a U.S. businessman with a 30 percent stake in Channel 10, was withdrawing from the company, again threatening its future operations. Although the station has avoided closure, these incidents added to broader concerns about the ability of Israeli media outlets to maintain both financial and editorial independence.

Israel has the one of the region's highest rates of internet usage, at 71 percent in 2013. More than half of all internet users take active part in social-media sites, and a number of online news and information websites have sprung up in recent years. The government generally does not restrict internet access, although blocking of certain data on applications like Google Maps, as well as surveillance of internet service providers and telecommunications services, is carried out, ostensibly for security purposes.

[This rating and report reflect the state of press freedom within Israel proper. The West Bank and Gaza Strip are covered in a separate report.]

## **2014 Scores**

### **Press Status**

Free

### **Press Freedom Score**

**(0 = best, 100 = worst)**

30

**(0 = best, 30 = worst)**

7

**(0 = best, 40 = worst)**

14

**(0 = best, 30 = worst)**

9